Approved for use through 07/31/2006, OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paper Devuction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. TO THADENS **Application Number** 10/800,806 TRANSMITTAL Filing Date March 15, 2004 **FORM** First Named Inventor Von Arx, Jeffrey A. Art Unit (to be used for all correspondence after initial filing) **Examiner Name** Unassigned Total Number of Pages in This Submission Attorney Docket Number 020.0328.US.UTL **ENCLOSURES** (Check all that apply) After Allowance communication to (TC) Fee Transmittal Form Drawing(s) Appeal Communication to Board of Fee Attached Licensing-related Papers Appeals and Interferences Appeal Communication to TC Amendment / Reply Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information Provisional Application Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address Other Enclosure(s) (please identify Х Terminal Disclaimer **Extension of Time Request** below): **Express Abandonment Request** Request for Refund Request to Accept Missing Reference 1 Foreign Patent Document Postcard CD, Number of CD(s) _ Information Disclosure Statement Landscape Table on CD **Certified Copy of Priority** Document(s) Remarks Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Law Offices of PatrickQJ.S. Inouye Signature Patrick J.S. Inouye Printed name

Reg. No. CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Signature RUSS February 6, 2006 Typed or printed name Larissa V. Pigott Date

40297

Date

February 6, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Von Arx et al.

Application No.: 10/800,806

Filed: March 15, 2004

FEB 0 8 2006

Art Unit: 2131

Title: System And Method For Secure

Authenticating A Data Exchange

Session With An Implantable Medical

Device

Attorney Docket No.: 020.0328.US.UTL

REQUEST TO ACCEPT MISSING REFERENCE FROM INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Date: February 6, 2006

Sir:

Applicant respectfully requests acceptance of a copy of reference, inadvertently omitted at the filing of an Information Disclosure Statement under 37 C.F.R. 1.97(b).

The Information Disclosure Statement was filed on November 18, 2005 and listed foreign patent document, EP 0756397, to Hewlett-Packard Company, on Form PTO 1449, a copy of which is now included. Consideration of the foregoing in relation of this application and the information disclosed herein be made of record in this application is respectfully requested.

Respectfully Submitted,

Patrick J.S. Inouye, Esq.

Reg. No. 40297

Telephone No.: (206) 381-3900